

**IN THE UNITED STATES DISTRICT COURT  
FOR WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
Civil Action No. 3:12-CV-00136-GCM**

**GARY SURGEON,**

**Plaintiff,**

**v.**

**AMSHER COLLECTION SERVICES,  
INC.,**

**Defendant.**

**ORDER**

THIS MATTER is before the Court on its own Motion. On May 21, 2012, Plaintiff filed a Notice of Settlement with this Court. Subsequently, on August 8, 2012, Plaintiff entered a Notice of Voluntary Dismissal with prejudice. The Notice of Voluntary Dismissal is procedurally insufficient to terminate this action because Defendant did serve an Answer in this matter and the Notice of Voluntary Dismissal lacked the signatures of all parties who have appeared. See Fed. R. Civ. P. 41(a)(1)(A). Accordingly, to properly terminate the instant case pursuant to Fed. R. Civ. P. 41(a)(2), the Court **ORDERS** this matter **DISMISSED WITH PREJUDICE**.

**IT IS SO ORDERED.**

Signed: August 20, 2012



Graham C. Mullen  
United States District Judge

